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EXAMINER

NGUYEN, DUSTIN

ART UNIT PAPER NUMBER

2154

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,027

Applicant(s)

WOLFMAN ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 55 are presented for examination.

Specification

2. Examiner requests Applicants to update all the copending cases as mentioned in the disclosure.

Claim Objections

3. The claims 20 and 40 are objected to because they include reference characters which are not enclosed within parentheses [i.e. WAP].

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-21, 23-29, 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As per claims 1 and 23, the phrase "optionally" renders the claim indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipate by Fields et al. [US Patent No 6,338,059].

8. As per claim 22, Fields discloses the invention substantially as claimed including a method for using mobile and computer-like devices for requesting services from content resources comprising the steps of:

displaying a specification menu on a user device [55, Figure 1B; and col 5, lines 51-58];

selecting from among choices in said specification menu [Figure 3; Abstract; and col 4, lines 38-59];

executing the specification corresponding to said selected choice [Figure 4; and col 5, lines 4-10]; and

displaying results of said step of executing on said user device [col 5, lines 17-19; and col 6, lines 28-29].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 2, 4-21, 23, 24, 26-41, 43, 45-48, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al. [US Patent No 6,338,059], in view of Gershman et al. [US Patent No 6,401,085].

11. As per claim 1, Fields discloses the invention substantially as claimed including a method for requesting services from at least one content resource comprising the steps of:

displaying a specification menu on a user device [55, Figure 1B; and col 5, lines 51-58];

selecting from among choices in said specification menu [Figure 3; Abstract; and col 4, lines 38-59];

executing the specification corresponding to said selected choice [Figure 4; and col 5, lines 4-10]; and

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displaying results of said step of executing on said user device [col 5, lines 17-19; and col 6, lines 28-29].

Fields does not specifically disclose

finding relevant remote specifications;

optionally retrieving at least one of said relevant remote specifications.

Gershman discloses

finding relevant remote specifications [1060, Figure 10A; and col 40, lines 9-14];

optionally retrieving at least one of said relevant remote specifications [1002, Figure 10B; and col 40, lines 39-48].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fields and Gershman because Gershman's teaching of remote specification would allow information to be distributed between multiple servers to prevent system corruption.

12. As per claim 2, Fields discloses receiving input from a user device [35, Figure 1A; and Abstract].

13. As per claim 4, Fields does not specifically disclose the step of selecting specifications corresponding to a userID. Gershman discloses the step of selecting specifications corresponding to a userID [col 40, lines 40-42]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fields and Gershman

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because Gershman's teaching of userID would allow to maintain integrity inside a communication network.

14. As per claim 5, Gershman discloses the step of selecting specifications according to the stored preferences of a user [i.e. user profile] [col 40, lines 9-14].

15. As per claim 6, Fields discloses specification is a script for requesting services for at least one specific content resource wherein said specification has variables therein and said received input is the values for said variables used to request services [col 6, lines 5-24].

16. As per claim 7, Fields discloses manipulating and analyzing said received input; performing logical operations using said received input; and building service requests based on said received input [col 5, lines 51-col 6, lines 24].

17. As per claim 8, Fields discloses step of generating at least one service request to said at least one content resource [col 5, lines 56-col 6, lines 2].

18. As per claim 9, Fields discloses wherein said at least one service request includes instructions to an external application [col 10, lines 12-27].

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19. As per claim 10, Fields discloses the steps of manipulating said at least one service request in said external application into a new service request and sending said new service request to said at least one content resource [col 4, lines 22-37].

20. As per claim 11, Fields discloses the following steps performed by said external application: generating multiple service requests, each to one said content resource [col 6, lines 20-24; and col 10, lines 57-64]; manipulating the output of each said content resource [col 8, lines 4-13 and lines 60-65]; and sending a collated result from said manipulated output to said user device [col 9, lines 3-7].

21. As per claim 12, Fields discloses the step of receiving additional input [Figures 1-4].

22. As per claim 13, Fields does not specifically disclose the step of adapting results for said user device. Gershman discloses the step of adapting results for said user device [i.e. format and display] [col 3, lines 18-24]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fields and Gershman because Gershman's teaching would allow information to equally display on multiple devices to add a portability aspect to the system.

23. As per claim 14, Gershman discloses wherein said user device is a mobile connected device [col 38, lines 10-17].

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24. As per claim 15, Fields discloses wherein said user device is a computer-like device [210, Figure 6].

25. As per claim 16, Fields discloses wherein said step of initially receiving is from at least one of a group including: text typed by a user; an SMS (short message services) message; a pager message; a WAP (Wireless Application Protocol) computer; a selected text in electronic media; a speech recognized audio input; and a scanned section of printed media [col 5, lines 34-38].

26. As per claim 17, it is rejected for similar reasons as stated above in claim 16.

27. As per claim 18, Fields discloses wherein said step of executing is performed locally [col 10, lines 11-19].

28. As per claim 19, Fields discloses wherein said step of executing is performed remotely [col 10, lines 20-27].

29. As per claim 20, Fields does not specifically disclose wherein said at least one service request is a WAP request. Gershman discloses wherein said at least one service request is a WAP request [col 2, lines 10-18]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fields and Gershman because

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Gershman's teaching would allow to extend the capability of the system to include wireless applications.

30. As per claim 21, Fields discloses wherein said at least one service request is an HTTP (Hypertext Transfer Protocol) request [col 1, lines 11-17].

31. As per claim 23, it is rejected for similar reasons as stated above in claim 1.

32. As per claim 24, it is rejected for similar reasons as stated above in claim 2.

33. As per claims 26-29, they are rejected for similar reasons as stated above in claims 4-7.

34. As per claims 30-35, they are rejected for similar reasons as stated above in claims 8-13.

35. As per claims 36 and 37, they are rejected for similar reasons as stated above in claim 16.

36. As per claims 38-41, they are rejected for similar reasons as stated above in claims 18-21.

37. As per claim 43, Fields discloses the invention substantially as claimed including a system for requesting services from content resources comprising:

a request engine [Abstract];

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a specification selector in communication with said request engine [col 5, lines 51-col 6, lines 24].

Fields does not specifically disclose

a mobile user device in communication with said request engine.

Gershman discloses

a mobile user device in communication with said request engine [col 2, lines 19-25].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fields and Gershman because Gershman's teaching would provide the mobile device the capability to request service as any other devices in communication network.

38. As per claim 45, it is rejected for similar reasons as stated above in claim 4.

39. As per claim 46, Fields discloses a display adapter [i.e. video controller] [col 10, lines 1-2].

40. As per claim 47, it is rejected for similar reasons as stated above in claim 5.

41. As per claim 48, Fields does not specifically disclose wherein at least one specification chosen by said specification selector is stored in a remote specification repository. Gershman discloses wherein at least one specification chosen by said specification selector is stored in a remote specification repository [1060, Figure 10A]. It would have been obvious to a person

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skill in the art at the time the invention was made to combine the teaching of Fields and Gershman because Gershman's teaching would allow information to be stored remotely to reduce the system overhead and increase system performance.

42. Claims 3, 25, 42, 44, 49-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al. [US Patent No 6,338,059], in view of Gershman et al. [US Patent No 6,401,085], and further in view of Miyasaka et al. [US Patent No 6,070,162].

43. As per claim 3, Fields and Gershman do not specifically disclose classifying the subject of a service request according to said received input; and selecting specifications having the same classification as said service request. Miyasaka discloses classifying the subject of a service request according to said received input; and selecting specifications having the same classification as said service request [Abstract; and col-2, lines 26-42]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fields, Gershman and Miyasaka because Miyasaka's teaching would provide an comprehensive information in accordance with the request input from the user [Miyasaka, col 2, lines 10-13].

44. As per claim 25, it is rejected for similar reasons as stated above in claim 3.

45. As per claim 42, it is rejected for similar reasons as stated above in claims 2 and 3.

46. As per claim 44, it is rejected for similar reasons as stated above in claim 3.

47. As per claim 49, it is rejected for similar reasons as stated above in claims 42 and 43.

Furthermore, Fields discloses a user device in communication with said information search and retrieval system [Figure 7].

48. As per claims 50, 51, they are rejected for similar reasons as stated above in claims 14 and 15.

49. As per claims 52-55, they are rejected for similar reasons as stated above in claims 45-48.

50. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Dustin Nguyen

Examiner

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